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BY CM/ECF

Honorable Barbara Moses, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Michelo et al. v. Nat'l Collegiate Student Loan Trust 2007-2 et al.*, 18-cv-1781 (PGG)
Bifulco et al. v. Nat'l Collegiate Student Loan Trust 2006-4 et al., 18-cv-7692 (PGG)

Dear Judge Moses:

We represent National Collegiate Student Loan Trusts 2007-2, 2007-3, 2006-4 and 2004-2 (the "Trusts") in the above-referenced consolidated action. The Court's April 30, 2020 Order directed the Trusts to file today a letter attaching copies of the discovery requests and responses that are in contention for purposes of the telephonic discovery conference that is scheduled before Your Honor on May 12, 2020. However, plaintiffs have designated each of their responses to all of the Trusts' discovery requests, including even non-substantive responses to production requests, as "Confidential" under the Protective Order in this case. Although the Trusts disagree with the propriety of plaintiffs' confidentiality designations and requested that plaintiffs withdraw certain of those designations, plaintiffs have refused to do so. Accordingly, the Trusts are filing today only the discovery requests. The Trusts will email the "Confidential" discovery responses to Your Honor, copying all parties, as permitted under paragraph 7(i) of the Protective Order so that the Court has the materials necessary for next week's conference. The Trusts also respectfully request the Court's permission to file a motion to file the discovery responses under seal in accordance with Your Honor's Individual Practices or an order that filing the "Confidential" responses are not necessary.

For the purposes of next week's conference, the discovery requests and responses that are in contention are as follows:

Documents, information and communications that form the basis for plaintiffs' allegations:

- Bifulco & Butry's Responses to Document Request Nos. 16–17, 24, 27 & Interrogatory Nos. 14–16;
- Fraunhofer's Responses to Document Request Nos. 15–16, 21 & Interrogatory Nos. 12–13;
- Michelo & Tabar's Responses to Document Request Nos. 15–16, 17–18, 23 & Interrogatory Nos. 14–16; and
- K. Seaman & Re Seaman's Responses to Document Request Nos. 16–17, 23, 26 & Interrogatory Nos. 12–13.

Documents and communications concerning the putative class:

- Bifulco & Butry Document Request No. 35;
- Fraunhofer Document Request No. 32;
- Michelo & Tabar Document Request No. 31;
- Seaman & Re Seaman Document Request No. 31; and
- Michelo, Re Seaman, Bifulco, & Fraunhofer Responses to Second Set of Document Requests Nos. 1, 2, 4, & 5.

Information concerning plaintiffs' alleged damages:

- Bifulco & Butry Document Request No. 25 & Interrogatory No. 23;
- Fraunhofer Document Request No. 22 & Interrogatory No. 17;
- Michelo & Tabar Document Request No. 20 & Interrogatory No. 20; and
- K. Seaman & Re Seaman Document Request No. 24 & Interrogatory No. 18.

In addition, the 2004-2 Trust's Interrogatories to Michelo, Re Seaman, Tabar, and Fraunhofer, and the 2006-4 Trust's Interrogatories to Bifulco, which plaintiffs have refused to answer, are at also at issue.

Thank you for Your Honor's attention to this matter.

Respectfully,

/s/ Gregory T. Casamento

Gregory T. Casamento

cc: All counsel of record (by CM/ECF)